

Message Text

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ORIGIN EUR-25

INFO OCT-01 IO-14 ISO-00 L-03 CIAE-00 COME-00 DODE-00

DOTE-00 EB-11 INR-10 NSAE-00 RSC-01 FAA-00 PM-07 H-03

NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 /125 R

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R 022342Z JUL 74

FM SECSTATE WASHDC

TO AMEMBASSY BONN

INFO USMISSION BERLIN

USMISSION NATO

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMCONSUL MONTREAL

USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 143513

E.O. 11652: GDS

TAGS: ETRN, PFOR, GW, GE, WB, UK, FR, US

SUBJECT:ALLIED DISCLAIMER ON GDR ADMISSION TO ICAO

REF: A) BONN 9345; B) BONN 6235; C) STATE 33501

1. DEPARTMENT APPROVES MODIFICATIONS IN ICAO DISCLAIMER
PROPOSED PARA 1 REFTEL A.

2. WE CONTINUE TO BELIEVE THAT IT IS IMPORTANT THAT ALLIES
BE PREPARED TO REACT PROMPTLY TO QUESTIONS SHOULD GDR
SUDDENLY APPLY FOR ICAO MEMBERSHIP UNDER ARTICLE 92. IN
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LIGHT OF BRITISH AND FRENCH RELUCTANCE TO AGREE IN ADVANCE

TO ANY RATIONALE PAPER AND THEIR PREFERENCE SIMPLY TO
TAKE THEIR LEAD FROM THE FRG ON THIS MATTER, WE WOULD ASK
EMBASSY TO WORK DIRECTLY WITH FRG ON ACCEPTABLE FINISHED
TALKING PAPER.

3. IN OUR VIEW, CURRENT RATIONALE PAPER DEVELOPED IN
BONN GROUP PROVIDES INADEQUATE LEGAL EXPLANATION OF
WHY GDR ENTITLED TO ENTER ICAO UNDER MORE FAVORABLE
ARTICLE THAN FRG. ISSUE IS POTENTIALLY IMPORTANT
BOTH DOMESTICALLY IN FRG AND BECAUSE GDR MEMBERSHIP UNDER
ARTICLE 92 WOULD TEND TO GIVE BASIS TO GDR CLAIM
THAT IT IS NOT SUCCESSOR STATE TO REICH IN SAME MANNER
AS FRG, BUT HAS ENTIRELY DIFFERENT STATUS AS NEW STATE. THIS

WOULD BE LENT FURTHER SUBSTANCE BY SUPERFICIAL FRG AND
ALLIED EXPLANATION OF WHY IT IS ACQUIESING IN THIS ACTION.
EMBASSY IS REQUESTED TO RAISE THESE CONCERNS WITH FRG
AND PROPOSE THAT FURTHER BILATERAL EFFORT BE UNDERTAKEN
TO DEVELOP DETAILED LEGAL BRIEF TO JUSTIFY POSITION
ALLIES ARE BEING ASKED TO ADAPT.

4. WE WOULD WELCOME OPPORTUNITY TO COMMENT FURTHER
WHEN RATIONALE PAPER HAS BEEN REVISED. SISCO

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